

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE, BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD.

IN RE: Registration of

Registrant: Ogudo P.C.

Registration Number: 4164790

Mark: ADAMLOOPHOLE PRESENTS ROT APPAREL

Registration Date: June 26th 2012

Cancellation Number: 92056510

76, 701, 933

REPUBLIC OF TEXAS BIKER RALLY, INC (Petitioner)

VS

Peter C. Ogudo

(Registrant/Respondent)

REGISTRANT'S RESPONSE TO PETITIONER'S MARCH 25TH 2013 FILING.

On March 5th 2013 TTAB suspended this action pending its determination of petitioner's motion to strike and for default judgment or alternatively, for judgment on the pleadings dated January 23rd, 2013. Prior to and subsequent to suspension, petitioner's attorney has engaged in sensational and irrelevant name calling and disparaging remarks about Registrant/Respondent. Petitioner's attorney, instead of proving his case according to facts and issues of law, has chosen to use intimidating, irrelevant, uncouth adjectives to qualify Registrant/Respondent's attempt at proving due diligence registration of and (or) ownership of ADAM LOOPHOLE PRESENTS ROT APPAREL.

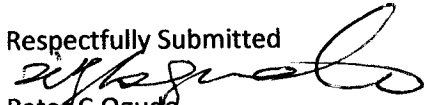
1. Registrant/Respondent denies any similarity between ADAMLOOPHOLE PRESENTS ROT APPAREL AND ROT BIKERS RALLY OR ROT RALLY. And yet, Petitioner has continued to make the wording "ROT", the central issue to this case without looking at the surrounding words and phrases attached to each mark. Petitioner also has willfully forgotten to couple the wording "ROT" with their surrounding prefixed and suffixed wordings and (or) phrases that clearly and factually distinguish and (or) separate both marks. Nevertheless, petitioner also has blindly chosen to, even if falsely, assume nobody else should use wording "ROT", but has also ignored there are hundreds of "ROT" based or "ROT" related business marks out there in the normal stream of commerce. A basic search of "ROT" wording on USPTO's TESS search program produces a smorgasbord of "ROT" related business marks with varied prefixes and suffixes, with each distinct from one another. Therefore, above case and others expose the fallacy of petitioner's assumption that it alone wholly owns "ROT" wording. Registrant / Respondent, therefore prays

this board to strike Petitioner's erroneous assumption and dismiss this cancellation appeal in its entirety for lack of factual and legal basis.

2. Registrant/Respondent denies Petitioner's false claim of ownership of ADAM LOOPHOLE PRESENTS ROT APPAREL. This Registrant/Respondent has always maintained and did satisfy due diligence process with USPTO towards satisfying the final registration of this trade name. Additionally, the USPTO attorneys also did perform their duties of making sure no mark was similar to Registrant/Respondent's prior to granting registration of ADAM LOOPHOLE PRESENTS ROT APPAREL. Petitioner's quick fix second guessing of USPTO process should be ignored. Registrant/Respondent therefore prays this honorable board to restrict Petitioner to the use of ROT BIKERS RALLY or ROT RALLY only. As a consequence this board should hold in favor of Registrant/Respondent based on the facts and law that do not support Petitioner's preposterous assumptions of ownership. The two marks are completely different. It's like apples and oranges.
3. Registrant/Respondent has continued to plead lack of similarity and likelihood of confusion between the two marks citing Coca-cola and American Apparel. These companies and others have shared similar one or two word name tags with others, and yet differ from one another. Considering the contextual meanings and implications attached to trademarks and trade names, and especially looking at the prefixed and suffixed wordings, Registrant/Respondent prays this board to hold in its favor that ADAM LOOPHOLE PRESENTS ROT APPAREL totally differs from ROT BIKERS RALLY or ROT RALLY. (Please see also my examples on exhibit 1,2,3,4 attached to earlier filings with this board).
4. Petitioner, therefore has not proffered evidence of dilution because both marks are different in looks, meanings, wordings, prefixes, suffixes, phraseology, pictures, logos, symbols, etc. Additionally, petitioner has failed to proffer evidence of similarity and likelihood of confusion because of facts enumerated in this paragraph.

Accordingly, in view of these and previous grounds cited in Registrant/Respondent's earlier pleadings and motion, this respected Board should dismiss Petitioner's frivolous pleadings for cancellation. No tangible case exists here and petitioner also has woefully failed to allow this board to look into this matter factually and legally. Petitioner's name calling, arm twisting and Goliath like tactics to grab what Registrant/Respondent has diligently worked hard to register with the USPTO should be ignored, stricken and /or dismissed in its entirety for lack of proof and basis both in fact and law.

Respectfully Submitted



Peter C. Ogudo

April 11, 2013.

CERTIFICATE OF SERVICE

I hereby certify that on April ~~16~~¹⁷, 2013 I served this **REGISTRANT'S RESPONSE TO PETITIONER'S MARCH 25TH, 2013 FILING** by mailing a copy thereof by registered mail via US post office, addressed to petitioner's correspondence address of record as follows:

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By..........Peter C.Ogudo